IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 3981 of 2007(Y)

PETITIONER:

AMBILY THANKAPPAN, AGED 20 YEARS,
D/O. THANKAPPAN KURUP, 1ST YEAR MBA STUDENT,
SREE NARAYANA GURU INSTITUTE OF SCIENCE AND
TECHNOLOGY, MANNAM P.O., NORTH PARAVUR.

BY ADV. SRI.SIVAN MADATHIL

RESPONDENTS:

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1. MAHATMA GANDHI UNIVERSITY,
ATHIRAMPUZHA, KOTTAYAM, REPRESENTED BY
ITS REGISTRAR.

2. THE CONTROLLER OF EXAMINATIONS,
MAHATMA GANDHI UNIVERSITY, ATHIRAMPUZHA,
KOTTAYAM.

3. THE DIRECTOR,
SREE NARAYANA GURU INSTITUTE OF SCIENCE
AND TECHNOLOGY, MANNAM P.O.,
NORTH PARAVUR.

BY SC. SRI. V.A. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 3981 OF 2007

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Dated this the 6th day of February, 2007

JUDGMENT

Petitioner is the first year MBA student of the third respondent University. She completed First Semester MBA Course and has prepared to appear for the First Semester scheduled from 7.2.2007. But she is denied permission for the reason that she has received only 49.8% marks in the Degree Examination Part I, Part II and Part III whereas 50% marks are required to appear for the examination.

2. I heard Standing Counsel, who opposed the writ petition. He relied on the judgments in various cases of this court, in particular the judgment in W.P.(C) 5296 of 2005 and W.P.(C) 17606 of 2006 among other decisions, wherein the stand of the University that rounding of marks of 0.5 and above to the highest figure shall not be done while calculating the percentage of marks for minimum eligibility was upheld. Learned counsel for the petitioner points out the grievances and in particular that petitioner has secured high marks in the Entrance Examination and that she belongs to a poor family and also availed a

loan. It is also no doubt pointed out that University did not inform earlier and also that petitioner is awarded Second Class. Petitioner also relied on the decision of the Apex Court in **Prof. Yashpal v. Union of India.**

I feel disabled by the judgments relied on by the respondent University and I cannot command the University to act contrary to the principle which has found acceptance by this court.

The writ petition fails and it is dismissed.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.